

### **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, the specification is amended, the abstract is amended, and claims 1 and 2 are amended, leaving claims 1 and 2 pending with claim 1 being independent. No new matter has been added.

#### ***Substitute Specification***

The specification and abstract have been carefully reviewed and revised to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. No new matter has been added.

#### ***Claim Objection***

Claim 1 is objected to since “a” should be changed to “an” in line 16. Claim 1 has been amended in this manner.

#### ***Rejections Under 35 U.S.C. §112, second paragraph***

Claims 1 and 2 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that the element “label supply means” invokes 35 U.S.C. §112, sixth paragraph, but lacks corresponding structure, material or acts in the specification.

Claim 1 has been amended to overcome this rejection.

With respect to claim 2, one of ordinary skill in the art would understand that the each roller could be divided into an upper part and a lower part. For example, the upper part could be above the endless member and the lower part could be below the endless member. Therefore, Applicants respectfully request that this rejection be withdrawn.

#### ***Rejections Under 35 U.S.C. §103(a)***

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama

(JP 2001-130504) in view of Hoffman (US 3,765,991).

Applicants submit that the claims as now pending are allowable over the cited prior art. Specifically, amended independent claim 1 recites a labeling apparatus, comprising at least three support rollers each support roller being configured to come into contact with the outer surface of a vial to rotate the vial, and an endless member supported by a first support roller of the at least three support rollers and a second support roller of the at least three support rollers, the endless member being configured to rotate along the outer surface of the vial according to the rotation of the vial between the first support roller and the second support roller.

The present invention, as recited in claim 1, has the advantage that the tip end of the label is prevented from being peeled from the vial due to stiffness. As a result, the label is continuously pressed on the vial as the label is guided to the support rollers, allowing all of the label surfaces to be securely attached on the outer surface of the vial. Thus, it is possible to prevent the tip end of the label from being peeled free, and adhering to the push rollers.

The cited prior art fails to disclose or render obvious such an apparatus. In particular, as recognized by the Examiner, Yuyama fails to disclose an endless member which rotates according to the rotation of the vial. For this element, the Examiner relies on Hoffman, stating that it would have been obvious to one having ordinary skill in the art to modify Yuyama, since Hoffman teaches providing an endless belt 420 between two support rollers 422.

Applicants submit, however, that the endless belt 420 of Hoffmann is distinct from the endless member of the present invention, as recited in independent claim 1. In particular, first, in Hoffman, the two rollers 422 supporting the belt 420 are separate from the vial. This is distinct from the rollers supporting the endless member of the present invention, as recited in claim 1, which are two support rollers among at least three support rollers each of which comes into contact with the outer surface of the vial to rotate the vial.

Second, the belt 420 of the labeling apparatus of Hoffmann is straight and comes into contact with the vial at one point to rotate the vial. On the other hand, the endless member of the present invention, as recited in claim 1, rotates the vial, along the outer surface of the vial, which is rotating to attach the label on the vial. Thus, the vial is supported by two support rollers which come into contact with the outer surface of the vial to rotate the vial.

Therefore, even assuming one of ordinary skill in the art would have modified Yuyama with the endless belt 420 of Hoffmann, such a combination would not have rendered the present

invention, as recited in claim 1, obvious.

Therefore, Applicants submit that independent claim 1 and dependent claim 2 are allowable over the cited prior art.

### ***Conclusion***

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Shoji YUYAMA et al.

/Jeffrey J. Howell/

2009.09.23 15:51:24 -04'00'

By \_\_\_\_\_

Jeffrey J. Howell

Registration No. 46,402

Attorney for Applicants

JJH/ekb  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
September 23, 2009